

IN THE DISTRICT COURT OF UNITED STATES  
FOR THE MIDDLE DISTRICT  
NORTHERN DIVISION

UNITED STATES OF AMERICA, \*  
PLAINTIFF, \*  
\*  
vs. \* CR NO. 2:06cr65-WKW  
\*  
EDWARD EARL TILLER \*  
DEFENDANT. \*

**MOTION FOR REDUCTION OF SENTENCE**  
**PURSUANT TO THE UNITED STATES SENTENCING GUIDELINES**  
**AND 18 U.S.C. §3582(c) (2)**

Comes now the EDWARD EARL TILLER, the Defendant, and moves for a reduction in his sentence under the United States Sentencing Guidelines §1B1.10 and 18 United States Code §3582(c) (2). As grounds, he states as follows:

1. On November 1, 2007 the United States Sentencing Guidelines were amended to reduce the penalties for crack cocaine. Basically, the amendment lowered the penalty for crack cocaine by two offense levels under the guidelines.
2. On December 11, 2007, the U.S. Sentencing Commission voted unanimously to apply the amendment retroactive for crack cocaine offenses with the effective date for retroactivity set for March 3, 2008.
3. On March 3, 2008 amended U.S.S.G §1B1.10 will read:

"Reduction in Term of Imprisonment as a Result of Amended Guideline Range (Policy Statement)

(A) Authority-

(1) In General.-In a case in which a defendant is serving a term of imprisonment, and the guideline range applicable to that defendant has subsequently been lowered as a result of an amendment to the Guidelines Manual listed in subsection ( c) below, the court may reduce the defendant's term of imprisonment as provided by 18 U.S.C. §3582(c) (2). As required by 18 U.S.C. §3582(c) (2), any such reduction in the defendant's term of imprisonment shall be consistent with this policy statement.

4. On June 19, 2006 Defendant pleaded guilty as follows:

Count 1-conspiracy to possess with intent to distribute 50 grams or more of cocaine base; Count 2-possession with intent to distribute 50 grams or more of cocaine base, and Count 4-production of counterfeit U.S. currency.

5. As a result of the plea and in calculating Defendant's base offense level, he was attributed with 77.7 grams of crack cocaine and 29.7 grams of cocaine powder for a base level of base offense level of 32. (See PSR ¶14, p.5-6).

6. He received 3 levels reduction for acceptance of responsibility under USSG §3E.1 for a base level of 29. (PSR, p.7) His criminal history category was IV. (PSR ¶ 43, p.8) Therefore, based upon a total offense level of 29 and criminal history category of IV, the guideline range of imprisonment was 121-151 months. (PSR ¶57, p.10).

7. On September 6, 2006 the government filed a motion for

downward departure for substantial assistance for a three level downward departure. This would have made a guideline range of 92-115 months. Defendant was sentenced on September 8, 2006 to 104 months.

8. On March 3, 2008 under the new sentencing guidelines on crack cocaine, Defendant's base offense level will be 30. With a reduction of 3 levels for acceptance of responsibility, his new offense level is 27 with a criminal history category of IV for a range of punishment of 100-125 months.

9. With the governments motion for downward departure for substantial assistance, this would make a range of punishment for his sentence under the amended guidelines at 77-96 months.

10. Last, Defendant is incarcerated and without funds to pay his attorney. He requests that his attorney be appointed under the Criminal Justice Act to represent him.

Wherefore, these premises considered, Defendant requests the following relief:

1. That Paul R. Cooper be appointed under the Criminal Justice Act to be his attorney on this matter.

2. That this matter be set for a hearing after March 3, 2008 when the new amendments on crack cocaine take effect retroactively.

3. That after a hearing, the Defendant be re-sentenced

between a range of 77-96 months.

4. That the Defendant be granted such other, different or further relief to which he may be entitled.

Dated this day January 29, 2008.

S/Paul R. Cooper

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ASB-1152-R78P

**CERTIFICATE OF SERVICE**

I hereby certify that on the January 29, 2008 I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following: A. Clark Morris, Assistant United States Attorney, and I hereby certify that I have mailed by United States Postal Service the documentation to the following non-CM/ECF participants: none.

Respectfully Submitted,

S/Paul R. Cooper

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